



RDMS DocID

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URGENT MATTER--PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

May 17, 1991

Mr. F.M. Lee, Manager
 Environmental Affairs Department
 Boston Edison
 800 Boylston Street
 Boston, MA 02199

Re: **NOTICE OF VIOLATION** of the Land Disposal Restrictions Rule;
 Sections 3004(d) through (m) of the Resource Conservation
 and Recovery Act, 42 U.S.C. §§ 6924(d) through (m).

Dear Mr. Lee:

On June 18, 1990, a representative of the Massachusetts Department of Environmental Protection conducted an inspection at Boston Edison, EPA ID# MAD000845412. The purpose of this inspection was, in part, to determine the company's compliance with the Land Disposal Restrictions (LDR). The LDR, which was established pursuant to the Hazardous and Solid Waste Amendments (HSWA) to RCRA, applies to facilities that manage: (1) certain spent solvents after November 8, 1986; (2) "California list" wastes after July 8, 1987; and (3) the first one-third of the listed hazardous wastes after August 17, 1988, the second one-third of the listed hazardous wastes after June 23, 1989, and the third one-third of the listed hazardous wastes, as well as EPA hazardous waste numbers D001-D017 and F039, after May 8, 1990.

The LDR requires generators to arrange for treatment of their wastes, if their wastes exceed specific treatment standards, prior to land disposal. The LDR also establishes other requirements set forth in 40 C.F.R. Part 268 as well as in the revised regulations of 40 C.F.R. Parts 260-265 and 270. A discussion of the LDR and the regulations promulgated to date can be found in the following Federal Registers:

- 51 Federal Register 40572 (November 7, 1986);
 52 Federal Register 21010 (June 4, 1987);
 52 Federal Register 25760 (July 8, 1987);
 53 Federal Register 31138 (August 17, 1988);
 54 Federal Register 26594 (June 23, 1989);
 54 Federal Register 36967 (September 6, 1989);
 55 Federal Register 11862 (March 29, 1990);
 55 Federal Register 22520 (June 1, 1990); and
 56 Federal Register 3864 (January 31, 1991).

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As a result of the DEP inspection noted above, we have determined that your facility violated land disposal restriction regulations. The specific violations were noted as follows:

1. Failure to provide the appropriate LDR notification as required by 40 CFR § 268.7 (a)(1). Under 40 CFR § 268.7 (a)(1), generators who manage a restricted waste after the date the waste became restricted are required to provide a notification for each shipment of waste to a treatment, storage, or disposal facility. The notification must contain the following information: U.S. EPA hazardous waste number; applicable treatment standard; manifest number; and waste analysis, where available. Specifically, notification was not provided for one shipment of restricted waste (manifest number IL1976260).
2. Failure to retain copies of LDR notifications on-site in accordance with 40 CFR § 268.7 (a)(6). The requirement first appeared in the August 17, 1988 Federal Register. Under this requirement, copies of all notifications sent after August 17, 1988 must be kept on-site for a period of five years from the date that the notification was sent. Specifically, notification was not retained for thirteen shipments of restricted waste (manifest numbers: MAF298040, MAC898962, MAC898961, MAC720276, MAC719651, MAC899547, MAC744506, MAC899486, MAC433116, MAC898978, MAC419690, MAC899488, and MAC886960).
3. Failure to provide all required information on the LDR notification which is sent with each shipment of restricted waste. Specifically, Boston Edison Company failed to identify the appropriate treatment standard for its trichloroethane waste (manifest numbers: MAC433116 and MAC898978), as required by 40 CFR § 268.7 (a)(1)(ii). The treatment standard is the level above which trichloroethane is restricted from land disposal.

You are hereby required to:

1. Immediately upon receipt of this NOTICE:
 - a. Cease the shipment of all LDR wastes, including trichloroethane, not accompanied by the proper notification, in accordance with 40 CFR § 268.7 (a)(1).

- b. Acquire copies of all LDR notifications sent with shipments of LDR waste occurring after August 17, 1988 and retain them on-site for five years from the date of shipment. Hereafter, for each shipment of restricted waste off-site, Boston Edison Company shall retain a copy on-site of each LDR notification sent to its receiving facilities for five years from the date that the notification was sent.
2. Within (30) thirty calendar days of receipt of this NOTICE:
- a. Submit to the EPA - J.F.K. Federal Building, Boston, MA 02203-2211 (Attn: Joan Serra, HRR-CAN3) and the DEP - Northeastern Regional Office, 5 Commonwealth Avenue, Woburn, MA 01801 (Attn: Ed Pawlowski) a written description, with supporting documentation, of the actions taken to correct the aforementioned violations.

Failure to correct the violations as required by this NOTICE may subject your facility to further Federal enforcement action, including the assessment of penalties, pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928. If you have any questions regarding this NOTICE, please contact Joan Serra of my staff at (617) 223-5527.

Sincerely,

Gary B. Gosbee, P.E. Chief
MA & RI Waste Regulation Section

cc: Jim Miller, DEP - Boston
Ed Pawlowski, DEP - Northeastern Regional Office

bcc: Joan Serra, EPA
Peg Mullins, EPA
Germaine Cass, EPA (2)
Robert Cianciarulo, EPA